

TO AF &



Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3762

PATENT
ATTORNEY DOCKET: 46970-5197

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------|---|---------------------------|
| In re Application of: |) | |
| |) | |
| Mitsuo YASUSHI et al. |) | Confirmation No.: 6382 |
| |) | |
| Application No.: 10/649,858 |) | Group Art Unit: 3762 |
| |) | |
| Filed: August 28, 2003 |) | Examiner: Alyssa M. Alter |
| |) | |
| For: SYSTEM, METHOD, PROGRAM, |) | |
| AND MEDIUM FOR MEASURING |) | |
| HEART RATE |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated March 23, 2006.
2. Additional papers enclosed:
 - ☐ Drawings: ___ sheets with ___ figures
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|----------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 17 | minus | 20 | 0 | x \$50 each = | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 5 | minus | 6 | 0 | x \$200 each = | + \$0.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$0.00 |
| SUB-TOTAL = | | | | | | \$0.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$0.00 |
| TOTAL FEE = | | | | | | \$0.00 |

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$120.00 for the one-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


Dated: July 21, 2006

By:

Paul A. Fournier
Registration No. 41,023

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Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT

In response to the final Office Action dated March 23, 2006, the period for response to which extends through July 24, 2006 (July 23 being a Sunday), by the concurrently-filed petition for a one-month extension of time and corresponding fee payment, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

07/24/2006 JADD01 00000004 10649858

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120.00 OP